

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Dennis E. Hecker,

Debtor.

Randall L. Seaver, Trustee,

ADV No. 09-_____

Plaintiff,

vs.

Dennis E. Hecker,

Defendant.

COMPLAINT

Randall L. Seaver, Trustee ("**Trustee**") of the Bankruptcy Estate of Dennis E. Hecker ("**Debtor**") as and for his Complaint against Defendant Dennis E. Hecker ("**Defendant**"), states and alleges as follows:

1. Trustee is the duly appointed Chapter 7 Trustee of the bankruptcy estate of the Debtor.

2. This bankruptcy case was commenced on June 4, 2009, by the filing of a voluntary Chapter 7 petition.

3. This adversary proceeding is a core proceeding within the meaning of 28 U.S.C. §§157 and 1334 and Bankruptcy Rule 5005. This proceeding arises under 11 U.S.C. §§521(a)(4), 541 and 542.

4. The Debtor's schedules were filed on July 1, 2009. The time for the Trustee to object to the exemptions was extended by Stipulation and Order through September 30, 2009.

The Debtor filed an Amended Schedule C on August 21, 2009, and filed another Amended Schedule C on September 12, 2009.

5. Each Schedule C filed by the Debtor asserts an exemption interest of \$9,450.00 in household goods and furnishings. The most recent Amended Schedule C asserts an exemption in such items located at 11700 Cross Avenue, Crosslake, MN ("**Large Crosslake House**").

6. The household goods and furnishings and personal property including that not subject to exemption located at and around the Large Crosslake House, have a value significantly in excess of the amount of the exemption available to the Debtor.

7. The Trustee needs to obtain possession of the households goods and furnishings and all other personal property in and around the Large Crosslake House so that those items can be liquidated.

8. The Trustee has attempted to negotiate a sale of the non-exempt personal property and other items to the Debtor, but has been unable to reach an agreement.

9. In addition to other personal property located in and around the Large Crosslake House, there is an extensive dock and boat lift system at the Large Crosslake House which has substantial value. A copy of an estimate of value apparently provided by Waterfront Services, Inc., and given to the Trustee by the Debtor's attorney, is attached hereto as Exhibit A. The Trustee has also tried to negotiate a sale of the dock and boat lift system to the Debtor to no avail. The Trustee needs to obtain possession of those items so they can be liquidated.

10. The Trustee has tried to obtain specificity from the Debtor about items in which he is claiming an exemption at the Large Crosslake House, but has been unable to obtain specificity as to certain items. Copies of correspondence relating to those discussions are attached as Exhibit B.

11. The personal property in and around the Large Crosslake Home and the dock and boat lift system are all property of the bankruptcy estate pursuant to 11 U.S.C. §541.

12. The Debtor is required to surrender that property to the Trustee under 11 U.S.C. §521(a)(4).

13. The Trustee is entitled to immediate possession of the personal property including the dock and boat lift system in and around the Large Crosslake House.

WHEREFORE, Plaintiff Randall L. Seaver, Trustee requests a Judgment of the Court:

1. Ordering the Debtor to immediately turnover to the Trustee all personal property, including the dock system and boat lifts and excluding such personal property as may be found by this Court to be exempt, in and around the Large Crosslake Home located at 11700 Cross Avenue, Crosslake, MN.

2. Ordering the Debtor to immediately provide the Trustee and his agents with access to the Large Crosslake House to take possession of and remove personal property including the dock system and boat lifts in and around the Large Crosslake House.

3. For such other and further relief as the court deems just and equitable.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: September 18, 2009

By: _____

Matthew R. Burton, #210018
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402
Telephone: (612) 332-1030
Facsimile: (612) 332-2740

ATTORNEYS FOR RANDALL L.
SEAVER, TRUSTEE

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Chip Lohmiller

218-543-4251

p 2

Waterfront Services Inc.
34720 County Road 3
Crosslake, MN 56442-2715

Estimate

Date	Estimate #
7/28/2009	200982

Name / Address
Crosslake Property Solutions PO Box 810 Crosslake, MN 56442

LOCATION
Hecker

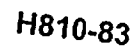
Description	Qty	Cost	Total
5 x 8 Aluminum Framework Dock Section with Vinyl Panels (List \$820)	1	410.00	410.00T
5 x 10 Aluminum Framework Dock Section with Vinyl Panels (List \$940)	34	470.00	15,980.00T
4 x 12 Aluminum Framework Dock with Vinyl Panels (List \$965)	5	482.50	2,412.50T
4 x 10 Aluminum Framework Dock with Vinyl Panels (List \$840)	12	420.00	5,040.00T
Brock Dock Pile Covers (List \$40)	93	20.00	1,860.00T
ShoreStation 2100 Boat Lifts with 18' Canopies (List \$5500)	2	2,750.00	5,500.00T
ShoreStation 11531 Double PWC Boat Lift with 13' Canopy (List \$4100)	1	2,050.00	2,050.00T
ShoreStation 1188 Boat Lifts with 18' Canopies (List \$3900)	2	1,950.00	3,900.00T
ShoreStation 11621 Boat Lift (List \$1590)	1	795.00	795.00T
ShoreStation 51120 Boat Lift (List \$6900)	1	3,450.00	3,450.00T
Telescoping 20' Flag Pole (List \$269)	2	134.50	269.00T
Dock Bracket for Telescoping Flag Pole (List \$60)	2	30.00	60.00T
6-Step Dock Stairs (List \$550)	1	275.00	275.00T
6-Foot Vinyl/Aluminum Dock Bench (List \$390)	1	195.00	195.00T
Carvel Large Dock Box (List \$875)	2	437.50	875.00T
Dock Box Stand, Aluminum (List \$300)	2	150.00	300.00T
36' Covered Slip (List \$7000)	2	3,500.00	7,000.00T
		Subtotal	\$50,371.50
		Sales Tax (6.875%)	\$3,463.04
		Total	\$53,834.54

www.docks-by-wfs.com
waterfront@crosslake.net
218-692-2760

H810-82

EXHIBIT A

**Visit our website
www.voyageraluminum.com**



Fredrikson
& BYRON, P.A.

Cynthia A. Moyer
612.492.7167
cmoyer@fredlaw.com

September 11, 2009

VIA EMAIL

Randall L. Seaver
United States Chapter 7 Panel Trustee
Portland Corporate Center
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337

Re: Dennis E. Hecker
Bky No. 09-50779

Dear Mr. Seaver:

Thank you for your letter dated September 10, 2009, which I received today. Regarding the "miscellaneous artwork and home accessories" and the "tools and sports equipment" claimed by Mr. Hecker on his list of household exempt inventory, he is claiming all of the items at the Cross Lake home that fall into those categories. With regard to the artwork and home accessories, this includes things like lamps, throw rugs, coasters, placemats, pictures and frames, paperweights, and other knick-knacks and decorative items, as well as wall-hangings, vases, and the like.

Please feel free to contact me with any questions or concerns.

Very truly yours,


Cynthia A. Moyer

cc: Matthew R. Burton
Dennis E. Hecker
Clinton E. Cutler
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EXHIBIT B

Fredrikson

& BYRON, P.A.

Direct Dial: 612.492.7167
Email: cmoyer@fredlaw.com

September 1, 2009

Via Email

Matthew R. Burton, Esq.
Leonard, O'Brien, Spencer, Gale & Sayre
100 South Fifth Street
Suite 2500
Minneapolis, MN 55402

Re: **Dennis E. Hecker**
Bankruptcy Case No. 09-50779

Dear Mr. Burton:

Enclosed please find a list of the household items that the Debtor is claiming as exempt under Minn. Stat. § 550.37. Please feel free to contact me with any questions or concerns.

Very truly yours,



Cynthia A. Moyer

cc: **Randall Seaver**

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HOUSEHOLD EXEMPT INVENTORY

Category	Description	Value
Gym	Treadmill Life Fitness 95TI	
(All 3 years old)	Life Stride Total Body Trainer	
	Stairmaster bike	
	Massage table	
	Hoist bench/free weights, dumbell	
Total of Gym Items		\$1,500
Kitchen/Household	Plates (dinner, salad)	
(All 3 years old)	Bowls	
	Coffee cups	
	Glassware	
	Wine glasses	
	Lowball glasses	
	Utensils	
	Silverware	
	Pots	
	Baking pans	
	Mixing bowls	
	Cookware	
	Toaster	
	Fryer	
	Crockpots	
	Coffeemaker	
	BBQ	
	Barstools	
	6 Stools/Chairs	
	Knives, kitchen set	
	Linens (4 sets of sheets)	
	Towels (4x4 bath, 4x4 wash cloth, 4x4 hand towel)	
Total of Kitchen/Household		\$250
Miscellaneous	Jukebox	500
Total Miscellaneous		\$500
Outdoor Furniture	Lawn Furniture/Outdoor Furniture	800
Total Outdoor Furniture		\$800
Interior Furniture	Misc artwork and home accessories	900
	Misc household tools and sports equipment	500
	Great Room Furniture	2,000
	Dining Room Table and 8 chairs	1,500
	Master Bedroom Furniture	1,500
Interior Total		\$6,400
GRAND TOTAL		\$9,450